

# How the Drycleaner Environmental Response Act (DERA) Will Affect Your Drycleaning Business

## **Petroleum User's Guide**

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The Drycleaner Environmental Response Act (DERA) became effective January 3, 1997.

This User's Guide summarizes the DERA regulations that affect your business, but please read the full regulations carefully. To obtain them, contact KDHE at the address at the end of this User's Guide. A Self Inspection Checklist is also available so you can check what KDHE inspects to determine if your operation is in compliance with DERA. The regulations cover delivery, storage, and containment precautions for drycleaning solvents with DERA.

Other regulations exist that cover hazardous waste and air. This User's Guide and Self Inspection Checklist do not discuss these regulations. Contact KDHE if you want additional information on these programs.

## **What do I need to do under the new regulations?**

### **Register your business annually.**

New facilities must complete the registration form within 30 days of start up, and a new form must be submitted to KDHE within 30 days of a change in ownership.

All drycleaners must renew the registration annually. The form will be sent to you by KDHE each year.

### **Dispose of your solvents and wastes if going out of business.**

If you have gone out of business or are going out of business, remove all drycleaning solvents and wastes from your facility within 45 days of the last day of operation. This also applies if you will cease operation for 45 continuous days. You may request an extension by contacting KDHE.

### **Make sure solvents are delivered according to regulations.**

**Delivery of petroleum products.** All petroleum-based solvents must be delivered to your machines or storage containers according to the requirements of KAR 22-7-9 and local fire codes.

## **Storage and Machines**

### **Construct and maintain adequate secondary containment structures.**

Drycleaning machines and storage areas must be protected by dikes or secondary containment structures. These structures must be large enough and constructed correctly to contain any leak or spill that might occur. Because of this, KDHE has established the following requirements:

- C **Materials.** All structures, sealants, and caulk must be impervious to and compatible with petroleum drycleaning solvents and drycleaning wastes. Materials other than epoxy, steel, polyethylene, or concrete may be used only upon approval of KDHE.
- C **Capacity.** The structure must be large enough to contain any spill, leak, or release of solvent or waste.
- C **No exterior drainage.** There should be no floor drains in any secondary containment structure. A floor drain is "any opening which is less than three inches above the floor surface and which leads to a septic tank, storage tank, sanitary sewer, storm sewer, or soils or waters of the state. An opening sealed with a removable seal which prevents drycleaning solvent and drycleaning wastewater from entering the opening is not considered a floor drain."

### **Secondary containment requirements for containers of new drycleaning solvent or waste drums:**

You need to install adequate secondary containment around solvent and waste storage.

- C **Materials.** All structures, sealants, and caulk must be impervious to and compatible with petroleum drycleaning solvents and drycleaning wastes. Materials other than epoxy, steel, polyethylene, or concrete may be used only upon approval of KDHE.
- C **Capacity.** The structure must be large enough to contain any spill, leaks, or release of solvent or waste. You may store containers for new solvent and waste drums within the drycleaning machine's secondary containment but only if the secondary structure could contain all the solvent and waste in that area if a rupture or leakage occurred.

**Inspect secondary containment structures weekly and keep an inspection log**

You must do a weekly inspection and keep your inspection logs on the premises for at least five years. You must make any repairs within five days of detection. Your log should be available for KDHE inspectors and contain the following:

- C Dates of inspection
- C Brief description of each deficiency, if any. This might include, for example, a crack in the concrete floor surface or dike that would allow material to leak out. These must be filled or sealed.
- C Date of repair of each of those deficiencies
- C Brief description of those repairs

**The Drycleaning Facility Release Trust Fund has been created so KHDE can take corrective action at contaminated sites.** Receipts come from the environmental surcharge on solvent purchases and 2.5% of gross receipts (not including sales tax), solvent fees, and registration fees. If you have soil or groundwater contamination and would like to learn more about the fund, contact:

- Kansas Drycleaning Program  
Kansas Department of Health & Environment  
Curtis Building, 1000 SW Jackson, Suite 410  
Topeka, KS, 66612-1367
- Phone: (785) 296-6370
- E-mail: [bjurgens@kdhe.state.ks.us](mailto:bjurgens@kdhe.state.ks.us)